
From: Keith Allred
Sent: Tuesday, May 17, 2011 10:36 AM
To: 'contact@chinadentaloutsourcing.com'
Subject: Bruxer All Zirconia - CHINA DENTAL OUTSOURCING (CDO)

Notice of Trademark Infringement



May 17, 2011

TRANSMITTED VIA E-MAIL AND FAX

Attn: Peter S Cao, US Agent for CDO
CHINA DENTAL OUTSOURCING, INC.
4448 Aldrich Avenue South
Minneapolis, MN 55419

Phone: 888 2628583 ext
Fax: 515-322-0300
Email: contact@chinadentaloutsourcing.com

Attn: Owner/Operator for Registered Establishment—CDO

Re: Infringement of Glidewell Laboratories' BRUXZir Trademark

The serious matter of your infringement of my client's proprietary property rights in connection with the unauthorized use Glidewell Laboratories' registered trademarks in your advertising has come to our attention.

Glidewell Laboratories has for years used the mark BRUXZIR both nationally and internationally to identify its dental laboratory goods and services in the US and its CE certified BruxZir® zirconia milling blanks in Europe. The company enjoys considerable good will associated with its use of the aforesaid mark.

Your promotion of BRUXER ALL ZIRCONIA is using a similar mark where there is an appreciable likelihood of confusion and a palming off of goods by an unauthorized substitution of one brand for the brand ordered. Instances of deliberate misappropriation of intellectual capital for commercial purposes is actionable unfair competition under California law (California Business and Professions Code §17200)

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EXHIBIT 146
WIT: Allred
DATE: 10-25-12
L. Moskowitz, CSR 10816, RPR

Under federal law, Trademark infringement is presumptively an unfair exploitation of the monopoly privilege that belongs to the owner of the mark. Infringement is a 'tarnishment' of the owner's mark and results in "brand confusion" and the likelihood of 'initial interest' confusion as to the actual identity of the source of the goods and services.

A deliberate, willful, and fraudulent infringement of the Glidewell registered mark without any extenuating circumstances constitutes a knowing use and an exceptional case within the meaning of Lanham Act Section 35, 15 U.S.C. §1117. Glidewell may be entitled to recover three times the amount of its actual damages, attorneys' fees, and prejudgment interest. The continuing wrongful use of the Glidewell mark to engage in unfair competition with the intention of interfering with and trading on the business reputation and goodwill engendered by Glidewell through hard work and diligent effort is deliberate, willful, and in reckless disregard of Glidewell's trademark rights. Glidewell may be entitled to the recovery of punitive damages and permanent injunctive relief enjoining defendant and all others acting in concert with and having knowledge thereof, from using the Glidewell mark.

For the above reasons, we must insist that you immediately cease use of the infringing marks in your promotions and elsewhere. Please immediately discontinue the wrongful use of any similar trade name or mark or variant thereof, or other "generic plus 'BRUX'" mark, as a trade name, trademark, service mark, domain name, or for any other purpose. Should you not terminate use of the mark, Glidewell Laboratories reserves its rights to take legal action.

Please contact me, or have your attorney contact me, within ten days of receipt of this communication if you are unsure about the appropriate steps that you must take to avoid liability for your refusal to discontinue your use of the infringing marks.

Your prompt attention is appreciated.

KEITH D. ALLRED
Attorney for Glidewell Laboratories
4141 MacArthur Blvd.
Newport Beach, CA 92660
Tel 949-440-2683
Fax 949-440-2787
Email kallred@glidewelldental.com

From the Trademark website:

Word Mark	BRUXZIR
Goods and Services	IC 010. US 026 039 044. G & S: Dental bridges; Dental caps; Dental crowns; Dental inlays; Dental onlays; Dental prostheses. FIRST USE: 20090606. FIRST USE IN COMMERCE: 20090606
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77761757
Filing Date	June 17, 2009
Current Filing Basis	1A

Original Filing Basis 1A

Registration Number 3739663

Registration Date January 19, 2010

Attorney of Record Keith D. Allred, Esq.

Register **PRINCIPAL**

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Establishment:
Chengdu Xin Bai Da Investment Consult Co., Ltd.
Building 11, West High-Tech District
Chuangyi Area, 2 Tianyu Rd
Chengdu, CHINA 611731
Registration Number: 3008704997
Status: Active

Date of Registration Status: 2011

Owner/Operator:

CHINA DENTAL OUTSOURCING, INC.
Building #10, Da Yi High-Tech Incubation
Ke Yuan Nan Er Road 1#, High-Tech Dist.
Chengdu, CN-51 CHINA 610041

Owner/Operator Number: 9089984

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